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**FACSIMILE TRANSMISSION****DATE:** January 14, 2003**MATTER NUMBER:**

ARCD:382US/10109293

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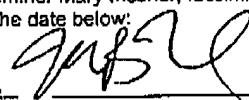
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January 14, 2003

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I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, Washington, D.C. 20231, c/o Examiner Mary Mosher, facsimile number (703) 746-5258 on the date below:

January 14, 2003



Mark B. Wilson

VIA FACSIMILE (703) 746-5258

Commissioner for Patents  
 Washington, D.C. 20231

Re: SN 09/993,363 "INDUCTION OF IMMUNITY USING INHIBITORS OF GRANZYMES" by Philip G. Ashton-Rickardt and Joseph T. Opferman -  
 Client Ref. UCHI:917  
Our Ref. ARCD:382US/10109293

Commissioner:

Enclosed for filing in the above-referenced patent application is a Substitute Response to Restriction Requirement and Species Election Requirement dated November 12, 2002.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/ARCD:382US.

Very truly yours,



Mark B. Wilson  
 Reg. No. 37,259

MBW/vv  
 Enclosure

25251475.1

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VIA FACSIMILE: 703-746-5258  
ATTN: EXAMINER MARY MOSHER

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Philip G. Ashton-Rickardt  
Joseph T. Opferman

Serial No.: 09/993,363

Filed: November 14, 2001

For: INDUCTION OF IMMUNITY USING  
INHIBITORS OF GRANZYMES

Group Art Unit: 1648

Examiner: Mary Mosher

Atty. Dkt. No.: ARCD:382US/MBW

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37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, Washington, D.C. 20231, c/o Examiner Mary Mosher, facsimile number (703) 746-5258 on the date below:

January 14, 2003  
Date,

Mark B. Wilson

**SUBSTITUTE RESPONSE TO RESTRICTION REQUIREMENT AND SPECIES  
ELECTION REQUIREMENT DATED NOVEMBER 12, 2002**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This paper is submitted as a Substitute Response to the Response Restriction Requirement and Species Election Requirement filed in this case on December 12, 2002.

No fees are believed due with this response. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed required for any reason pertaining to this paper, consider this paragraph a request and authorization to withdraw the appropriate fee from Fulbright & Jaworski Deposit Account No. 50-1212/ARCD:382US.

**A. Restriction Requirement**

In response to the Restriction Requirement imposed by the Examiner, Applicants had elected, without traverse, to prosecute claims 1-25, i.e., the Group I claims, in a Response filed on December 12, 2002. However, as discussed with the Examiner, in view of the clients commercial interests Applicants now elect the Group II set of claims. The Group II invention encompasses claims 26-50 which are directed to therapeutic methods for enhancing or inducing immunity comprising administering to a subject in need therof compositions comprising expression constructs encoding granzyme inhibitors.

**B. Species Election Requirement**

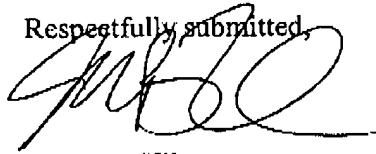
The Examiner has also entered a Species Election Requirement and subdivided all the Groups I, II and III inventions as containing claims to "species of disease treated" and identified the following diseases: HIV, LCMV, HCV, HTLV-1, HTLV-2, EBV, HBV, HCMV, HSV-1, HSV-2, HGV, enterovirus, dengue, rabies, melanoma, colon cancer, prostate cancer, renal cancer, non-Hodgkin lymphoma, sarcoma, B-cell leukemia, lung cancer and breast cancer. In this regard, Applicants currently elect HIV, as a species for initial examination. Current claims 20-43 and 48-50 encompass the elected species. If any generic claim, such as any of current claims 26-42, and 48-50 is found allowable, Applicants reserve the right to reintroduce claims to the remaining species in the present case.

The Examiner has also entered another Species Election Requirement and required the election of a single species of inhibitor and listed the following species: antibody, small molecule, PI9 mimetic, SPI6, PI9, PI-6, MNEI, PI-8, and PAI-2. In this regard, Applicants

currently elect PI9, as a species for initial examination. Claims 26-38 and 40-50 currently encompass this species. However, if any generic claim, such as any of current claims 26-38 and 41-50 is found allowable, Applicants reserve the right to reintroduce claims to the remaining species in the present case.

C. Conclusion

Applicants respectfully request favorable consideration of this case in view of the above. Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicants' representative at (512)-536-3035.

Respectfully submitted,  


Mark B. Wilson  
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Attorney for Applicant

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Date: January 14, 2003